

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JERRY CATES #235805,

Plaintiff,

Case No. 2:06-CV-96

v.

Hon. Gordon J. Quist

LLOYD RAPELJE, et al.,

Defendants.

ORDER AND JUDGMENT
APPROVING REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action filed on September 3, 2008. The Report and Recommendation was served on the parties the same date. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge filed September 3, 2008, is approved and adopted as the opinion of the Court.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment Due To Lack Of Exhaustion (docket no. 29) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's motion for relief from having this case count as a strike (docket no. 32) is **DISMISSED AS MOOT**.

This case is **concluded**.

Dated: September 25, 2008

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE